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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,611	03/06/2001	Masanori Ito	10873.641USW	1438

53148 7590 12/21/2006  
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MINNEAPOLIS, MN 55402

EXAMINER
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NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/21/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/786,611

Applicant(s)

ITO ET AL.

Examiner

HUY T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 51-53, 55-60, 62, 63, 89-91, 93-98, 100 and 101 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 57-60, 62, 63, 95-98, 100 and 101 is/are allowed.
- 6) ☒ Claim(s) 51-53, 55, 56, 89-91, 93 and 94 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. The amendment filed 22 November 2006 as been entered .

### ***Claim Objections***

2. Claims 51 and 89 are objected to because of the following informalities:

In claim 51, line 4 and claim 89, line 3, it is not clear " which" being referenced by "the stream", "a plurality of packets " or a packet . Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 51-53,55-56,89-91 and 93-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatani et al (EP 0905699) with Moriyama (5,572,333).

Regarding claim 51, Nakatani discloses a recording apparatus comprising :  
a recording section for recording logical blocks of video data on a medium  
(Fig. 15);

a logical block managing section for managing whether a logical block is used  
for not (Figs. 7,19 page 14 sections 0130 - 0140). ;

a continues data area detecting section for detecting a continuous data area  
based on the status of logical block managed by the logical bock managing section ,  
the recording section record stream data on the continuous data area (page 17,  
sections 0183-0186).

Nakatani fails to specifically teaches that the data stream recorded with logical  
blocks formed by packets .

Moriyama teaches a recording apparatus for recording packets data in logical  
bocks (column 6, lines 1-25. I would have been obvious to one of ordinary skill in the  
art to modify Nakatani with Moriyama by providing apparatus of Nakatani with means  
for generating the stream data of Nakatani into data packets of the logical bocks  
thereby accurately controlling and accessing the stream data .

Regarding claim 52 Nakatani further teaches the recording stream data in logical blocks enabling the reproduction rate (page 3 sections 0015-0017).

Regarding claim 55, Nakatani further teaches the data are recorded without interruption (page 17, section 0186).

Regarding claim 56, Nakatani as modified with Moriyama further teaches the packet having fix length (See (Moriyama column 5, lines 1-20).

Regarding claim 53, Nakatani as modified with Moriyama fails to teach that the packets are transport packets. However, it is noted that using a receiving means for receiving the transport packet is well known in the art. Therefore Official Notice is taken and it would have been obvious to one of ordinary skill in the art to modify Nakatani as modified with Moriyama by providing the apparatus of Nakatani with a receiving means for receiving the transport packet as an additional data source.

Method claims 89-91 and 93-94 correspond to apparatus claims 51-53 and 55-56. Therefore method claims 89-91 and 93-94 are rejected by the same reason as applied to apparatus claims 51-53 and 55-56.

#### ***Allowable Subject Matter***

5. Claims 57-60, 62-63, 95-98 and 100-101 are allowed.

#### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ando et al teaches an apparatus for recording logical blocks and packets of a stream on a medium.


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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.N

  
HUY T. NGUYEN  
PRIMARY EXAMINER